INVESTIGATIVE SUMMARY
DEPUTY INVOLVED HIT SHOOTING
IAB SH 2108994
URN: 004-02480-2813-013

On Thursday, February 12, 2004, at about 2200 hours, Sergeants William Hines and Sonia Carroll and Lieutenant Stacy Lee of the Internal Affairs Bureau responded to [redacted] N. Willowbrook, Compton, regarding a Deputy Involved Hit Shooting involving Compton Station personnel.

The summary of this incident is based on information obtained from interviews of the involved employees and witnesses, whose individual statements are contained in the Homicide Bureau case package. **Refer to Exhibit A**

Additionally, a portion of this incident was recorded on a security camera at the location. It was transferred onto a CD and is a permanent part of Homicide's case file. **Refer to Exhibit A, Page 40 for a description of what is shown on the CD**

INVOLVED PERSONNEL:

FORLANO, Anthony, Deputy, # [redacted]
IBERRI, Joseph W., Deputy, # [redacted]
Compton Station
Field Operations Region II

EMPLOYEE WORK HISTORY:

FORLANO, Tony

Date of Employment:	November 8, 1994
Date assigned to Patrol:	August 1, 1999
Completed Patrol Training:	[redacted]
Prior Shooting Incidents:	October 10, 2002
Prior Founded Force Incidents:	[redacted]

IBERRI, Joseph W.

Date of Employment:	November 8, 1994
Date assigned to Patrol:	May 24, 1998
Completed Patrol Training:	[redacted]
Prior Shooting Incidents:	May 22, 2002
Prior Founded Force Incidents:	[redacted]

3 SUSPECTS:

1. [redacted]

Suspect [redacted]'s criminal history indicates he has been [redacted] and [redacted]. He was on [redacted] at the time of this incident. **Refer to Exhibit A, Pages 60 through 66 for** [redacted]**'s Criminal Record**

2. BACA, Alfredo, Bueno M/H/18

Suspect Baca's criminal history indicates one [redacted]. He was subsequently released by Homicide investigators and not booked in connection with this incident.

3. UNKNOWN An unidentified third suspect fled the scene and was not apprehended.

WITNESSES:

Sworn:
None

Civilian:
[redacted]

INJURIES:

Suspect [redacted] received one gunshot wound to the right hip/buttocks area. He was transported to Drew-King Medical Center and treated for his injuries. It was later determined that [redacted] sustained a fractured pelvis as the result of the gunshot wound. He was transferred to a private hospital for further treatment. No deputies were injured during this incident.

PHYSICAL EVIDENCE:

Three shell casings from Deputy Forlano's duty weapon were recovered at the scene. One shell casing from Deputy Iberri's duty weapon was recovered at the scene. The expended rounds were not recovered. One bullet impact was discovered on the north exterior wall of [redacted]. **Refer to Exhibit A, Pages 15 through 17 and pages 20 through 22 for the list of physical evidence and the location of the shell casings and Page 14 for the Scene Diagram and also refer to Exhibit B-Photographs of the bullet impact**

INVESTIGATOR OBSERVATIONS:

The location of the shooting was in the parking lot of [redacted]'s Market at [redacted] Willowbrook Avenue, Compton. It is a business with single family houses next to it on the same street. The business sits across from the Metro Line tracks on Willowbrook Avenue. **Refer to Exhibits A, Page 22 for a complete description of the area and Exhibit C-Photographs of the area and positions of the suspect's vehicle and patrol car**

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Forlano fired three rounds from his duty weapon: **Beretta 9mm Luger Caliber, Model 92FS, double action semiautomatic pistol, Serial Number BER[redacted]Z**

Deputy Iberri fired one round from his duty weapon: **Beretta 9mm Luger Caliber, Model 92FS, double action semiautomatic pistol, Serial Number BER[redacted]Z**

Both weapons were examined, test fired, and found to be functional by Firearms Examiner Rubin Flores. **Refer to Exhibit A, Pages 18 & 19 for the Firearms Examiner Report**

WEAPONS USED BY SUSPECT:

None

PROPERTY DAMAGE:

One bullet impact was discovered on the north exterior wall of [redacted]. Civil Litigation Bureau was notified and responded to the scene. **Refer to Exhibit B-Photographs of the bullet impact**

CRIMINAL INVESTIGATOR/CHARGES FILED:

Homicide Bureau Detectives:
INVESTIGATOR MARTIN RODRIGUEZ #[redacted]
INVESTIGATOR BARRY L. HALL #[redacted]
On March 1, 2004, investigators met with Los Angeles County Deputy District Attorney Maria Palomino at the Juvenile Department of the South Central Superior Court in Compton. Deputy D.A. Palomino reviewed the facts of this case and filed one count of 148 (A) PC- Interfering or Delaying a Peace Officer and one count of 466 PC-Possession of Burglary Tools on [redacted].
Court Case No. VJ27564

LIGHTING AND WEATHER CONDITIONS:

This incident occurred during the night time hours. The weather was cool and clear. There were parking lot lights as well as street lights illuminating the area. **Refer to Exhibit A, Page 23 for a complete description of the lighting at the location.**

INVOLVED EMPLOYEE'S STATEMENTS:

DEPUTY ANTHONY FORLANO

Deputy Forlano was interviewed by Homicide investigators on February 13, 2004, at 0150 hours at Compton Station. His attorney, Mitch Kander, was present during the interview. Additionally, the interview was audio taped and summarized as follows:

Deputy Forlano told Homicide investigators that at the time of the incident, he was assigned to Compton Station. He was working the P.M. shift with his partner, Deputy Iberri, in Unit 287. They started their shift at [redacted] hours. Deputy Iberri was the driver and Deputy Forlano was the bookman.

Deputy Forlano and his partner were traveling northbound in their marked black and white Sheriff's patrol vehicle on Willowbrook Avenue, approaching Cedar Avenue. Deputy Forlano saw the suspect's car turn northbound on Willowbrook from Cedar at a high rate of speed. Deputy Forlano described the car as traveling in an "erratic manner, swerving back and forth within the lane." Deputy Forlano could see two male occupants. Deputy Iberri initiated his flashing lights in order to make a traffic stop for the erratic driving. The suspect's car pulled to the curb, and Deputy Iberri stopped the patrol car behind it. Forlano started to step out of the patrol car, when the suspect's car pulled away from the curb and continued northbound on Willowbrook approaching Rosecrans Boulevard. There was another car stopped for the red light on Willowbrook at Rosecrans and the suspect's car passed this other car on the left side going into oncoming traffic and failing to stop for the red light.

Deputy Iberri went into pursuit of the suspect and Deputy Forlano immediately put out a broadcast that they were in pursuit of a "reckless deuce." **Refer to Exhibit D-Audio tape of radio traffic**

The suspect's car continued northbound on Willowbrook, less then 1/4 of a mile, and pulled into a parking lot of a market on the east side of Willowbrook at a high rate of speed. The suspect's car started to "fishtail" as the suspect turned into the parking lot and collided with another car parked in the lot.

As the suspect's car came to a stop, the driver, a male Hispanic, immediately jumped from the car. Deputy Forlano said he saw that the driver had a, "shiny chrome handgun in his right hand." As the driver reached a fence a short distance away, Deputy Forlano heard Deputy Iberri yell, "Gun, gun, gun!"

Simultaneously, the front seat passenger jumped from the suspect's car and ran in a southwest direction. It appeared to Deputy Forlano that the passenger was attempting to circle around the patrol car and come behind it. As the passenger exited the car, Forlano saw him place a "large, silver type object" into his front pocket. Forlano thought that the object was a gun, based on his training and experience.
Believing that he and his partner were in danger by being placed in a "cross-fire" situation, due to the driver and passenger both having guns, Forlano said he, "decided to follow the passenger in a southernly direction through the parking lot, at least to where [he] thought they would be safe by keeping each other in eye contact."

> **IAB Note:** As noted earlier, Forlano felt that the suspect was circling around to get behind the radio car and Forlano felt that this would result in a cross-fire situation with him and his partner between the two suspects.

Several times while following the passenger, and within twenty to forty feet, Deputy Forlano could see the passenger look back at him. Once the passenger reached the sidewalk, he began to turn toward Deputy Forlano, and Forlano saw what he believed was a handgun in the passenger's hand. Deputy Forlano, believing his life was in danger, fired three to four rounds at the suspect. At the same time as he was firing at the suspect, Forlano was "crouching and trying to move to the left, in case he (the suspect) was getting ready to fire." Deputy Forlano said that he believed that the suspect was getting ready to fire a gun at him. The suspect then went down to the ground and Deputy Forlano put out a 998 broadcast. Forlano also requested fire and rescue. **Refer to Exhibit D-Audio tape of radio traffic**

During follow-up questions, Deputy Forlano said that he never saw anyone else in the parking lot at the time of the incident and he never saw the third passenger that was in the back seat. Deputy Forlano described the handgun in the driver's hand as a small gun, about the size of a ".380."

Deputy Forlano described the actions of the front passenger, while running, as "hunched over," and Deputy Forlano could not see the suspect's hands. It further appeared as an un-normal running position as opposed to a normal running position where a person would move their arms and hands. Deputy Forlano said that from his training and experience, when a person is running while hunched over and they are not exposing their hands, they are usually holding a weapon. Deputy Forlano believed that the passenger was a threat to him the "entire time" that he was running. Forlano also based this threat on the fact that the suspect appeared to be trying to run behind the deputies. Deputy Forlano said that during his experience of five years, "They run away from you, they don't run behind you, unless they're going to pose some type of threat, ambush or cross-fire.

Deputy Forlano explained that he followed the suspect to the point where he felt the suspect "was out of the problem." He further explained that he wanted to keep an eye on his partner and not pursue the suspect, only to follow the suspect and ensure that he didn't circle around them. Deputy Forlano said he did not recall when he removed his duty weapon, but thought it was sometime,

"maybe half way through the parking lot when I seen he was looking back to try and figure out where I was at, if I was following." As the suspect reached the sidewalk, he slowed down almost to a stop and turned to his left and Deputy Forlano saw a "metallic type object in the suspect's right hand. It was at this time that Deputy Forlano believed the suspect was going to turn and fire at him.

Deputy Forlano did not yell any orders to the suspect, nor did he hear Deputy Iberri yell any orders. He explained that it was a very short distance and others were on the radio.

Deputy Forlano did not know at the time that Deputy Iberri had fired at the suspect.

Deputy Forlano did not see where the injury was on the suspect's body. Deputy Forlano did not locate any weapons on the suspect.

DEPUTY JOSEPH IBERRI

Deputy Iberri was interviewed by Homicide investigators on February 13, 2004, at 0220 hours at Compton Station. His attorney, Mitch Kander, was present during the interview. Additionally, the interview was audio taped and summarized as follows:

Deputy Iberri told Homicide investigators that at the time of the incident, he was assigned to Compton Station. He was working the P.M. shift with his partner, Deputy Forlano in Unit 287. They started their shift at [redacted] hours. Deputy Iberri was the driver and Deputy Forlano was the bookman.

Deputy Iberri and his partner were on patrol, northbound on Willowbrook Avenue. He saw the suspect's car make "a wild turn" off of Cedar Avenue onto northbound Willowbrook. They decided to do a traffic stop. The suspect's car initially stopped, however, as Deputy Forlano started to get out of the patrol car, the driver in the suspect's car "cut the wheel and went out on the wrong side of traffic, and went northbound in the southbound lane." The suspect's car went through the red light at Rosecrans Boulevard. Deputy Iberri activated his "rotators," however, the car "sped off."

At this point, Deputy Iberri activated the siren and Deputy Forlano put out a broadcast that they were in pursuit of a possible drunk driver. They continued northbound on Willowbrook a short distance when the suspect's car turned a sharp right turn into the parking lot of [redacted]'s Market. Deputy Iberri was not sure, but said it appeared that the suspect collided into another car that was parked in the lot.

As the suspect's car came to a stop, both front doors opened and the driver ran toward a fence near the side of the market. Deputy Iberri saw a "shiny, chrome, semi-automatic" handgun in the driver's right hand. Iberri yelled at Deputy Forlano, "Gun, gun, gun!" At the same time, Deputy Iberri saw the front passenger run from the car in a southbound direction through the market parking lot. The patrol car was facing east at the time, behind the suspect's car.

Since the driver had jumped the fence and fled, Deputy Iberri went around the front of the patrol car as Deputy Forlano started following the front passenger through the parking lot. Iberri started running behind Forlano. As Deputy Iberri reached the passenger side of the patrol car, the rear passenger side door of the suspect's car opened and a male got out. Deputy Iberri said he was startled by this, because he never saw a passenger in the rear seat of the suspect's car. Iberri immediately stopped and his attention was now focused on this third suspect. Iberri yelled to Forlano that there was another suspect. Iberri then ordered the suspect to get on the ground and got in a position to cover this third suspect and at the same time watch Deputy Forlano.

As Deputy Iberri was watching both his partner and the suspect on the ground, he heard three gun shots. Deputy Iberri immediately looked in the direction of the suspect that Forlano was following and saw the suspect was facing Deputy Forlano and Forlano was "crouching down and moving to the side." Deputy Iberri thought the suspect had shot Deputy Forlano. Deputy Iberri said, "This kinda scared me." Deputy Iberri then turned and aimed at the suspect and fired one round. As soon as Iberri fired at the suspect, the suspect "spun around again and took a couple of steps and down, hit the ground." As soon as the suspect hit the ground, the third suspect, who Iberri had on the ground next the car, started to get up. Iberri then turned his attention back to the third suspect and ordered him back to the ground. Deputy Iberri yelled at Deputy Forlano and asked him if he was okay. Forlano told Iberri that he was okay. Forlano then went toward the suspect on the sidewalk and covered him until fire and rescue arrived.

After additional units arrived, a containment was set up in an attempt to locate the driver, however, the driver was not located.

During follow-up questions, Deputy Iberri said that when the suspect's car came to a stop, his attention was initially drawn to the driver of the suspect's car. The gun appeared to be a small frame gun, similar to a .380. Although, Iberri could see in his peripheral vision, the front passenger get out of the car, his main focus and attention was on the driver that was running and climbing over the fence. Iberri could not initially see the front passenger's hands or actions. As both driver and passenger exited the suspect's car, Iberri ordered them both to stop, several times.

Deputy Iberri could not recall at what point he drew his weapon during the incident, however, he did remember that he had his gun drawn as he crossed the front of the patrol car and saw the third passenger get out of the rear seat of the suspect's car. He felt this third passenger was definitely a threat to him.

Deputy Iberri described the three shots he heard as being in a rapid succession.

When Deputy Iberri fired at the suspect, Iberri was at the rear passenger side door of the patrol car. The suspect was in a position southwest of Iberri and Deputy Forlano was to Iberri's left when Iberri fired at the suspect. Deputy Iberri said he felt that Forlano was either hit by the gunshots or was taking rounds and moving to the side. Iberri added that when he fired the one round at the suspect, the suspect's hands were in a position in front of his body at stomach level.

WITNESSES STATEMENTS:

Civilian:

[redacted]

Mr. [redacted] was interviewed by Homicide and Internal Affairs Bureau investigators on February 13, 2004, at 0005 hours at Compton Station. Mr. [redacted] speaks Spanish and investigators were assisted in translation by L.E.T. Irma Espitia. The interview was recorded and summarized. **Also refer to Exhibit A, Page 27 for a detailed summary of Mr. [redacted]' interview.**

At the time of the incident Mr. [redacted] was stopped in the parking lot of [redacted]'s Market getting some water. He saw the deputies pursuing the suspects' car. The suspects drove into the parking lot at a high rate of speed, slowed, then bumped Mr. [redacted]' car. The driver and front passenger got out of the suspects' car and ran. The driver ran north and the passenger ran south. The two deputies got out of their patrol car and ordered the suspects to stop, but they ignored the orders. The driver deputy started to chase the suspect driver, however, the deputy stopped when the suspect jumped a fence. The other deputy started chasing the other suspect southbound. The deputy was yelling for the suspect to stop. At one point, the suspect stopped and turned toward the deputy. The suspect was turning or starting to turn back around when Mr. [redacted] heard one shot fired. The deputy was about twenty feet from the suspect. The suspect fell to the ground. Mr. [redacted] was unsure if the suspect had anything in his hands at the time of the shooting. Mr. [redacted] said the suspect was too far away and the lights from the parking lot and vehicles were in his eyes.

SUSPECT STATEMENTS:

[redacted]

Suspect [redacted] was interviewed at Drew-King Medical Center by Homicide investigators Barry Hall and Martin Rodriguez on February 13, 2004, at about 0425 hours.

[redacted] told investigators that he was home when the "guys" picked him up. [redacted] said he did not know the name of the driver and the other "guy" was Suspect Alfredo Baca, who also goes by the name of "Donut." [redacted] said the driver goes by the name of "Droopy," and carries a gun on occasion and has shot people in the past. [redacted] did not know if "Droopy" was carrying a gun at the time of the incident.

When the "cops" started following them, the driver said that they were going to have to run. [redacted] was scared and was on probation at the time. When the car stopped in the market parking lot, [redacted] started running. The deputy told him to stop, but [redacted] was scared and didn't stop. [redacted] had a razor and cell phone in his right pocket. As he was running, he was "picking up" his pants because they were falling down. He further explained that his hands were down by the front

of his waist as he was running. As he was running the deputy shot him. [redacted] said he didn't know why he was shot.

> **IAB Note:** [redacted] received one gun shot wound to his right hip/buttocks area. The expended bullet slug was not removed from [redacted].

ALFREDO BUENO BACA

Suspect Baca was interviewed at Compton Station by Homicide investigators Barry Hall and Martin Rodriguez on February 13, 2004.

> **IAB Note:** Baca was subsequently released by Homicide investigators and not booked.

Baca told investigators that he was at his grandmother's house on Rose Street near Elm Street. He left there at about 945 p.m. to walk home. He was walking on Compton Boulevard when he saw his friend, [redacted] (Suspect [redacted]). [redacted] was a passenger in a black Honda and a guy named, "Joe" was the driver. Baca said he did not know "Joe" and did not know where "Joe" lived or where "Joe" went to school. Baca said he had seen "Joe" in the past, riding bikes. Baca said that "Joe" is a friend of [redacted].

Baca got in the Honda for a ride home. They turned to go up Willowbrook Avenue and "Joe" didn't stop at the stop sign. The "cops" were behind them trying to stop them, but Joe, "panicked" and didn't stop. Baca tried to tell Joe that it was a "regular routine" and told him to stop. According to Baca, Joe said, "Fuck that, I ain't going to jail."

Joe continued to drive and turned into the driveway at the store and "hopped out and booked it." According to Baca, "[redacted] got scared because he was on probation and [redacted] ran."

Baca said when he got out of the car he laid on the "floor." As Baca was on the ground, he looked up and saw [redacted] running. At one point, Baca saw [redacted] "turn around" and at about the same time he heard shots. Baca described [redacted]'s movements as a quick turn around to the left. After Baca heard the shots, he looked the other way. A short time later, Baca heard the ambulance arrive. The deputies told him not to move. When asked if the deputies treated him okay, Baca said, "No, the cops didn't harass me or nothing, they just did the right job."
Baca said he didn't know if [redacted] or Joe had a cell phone at the time of the incident.

Baca said at the time of the stop, he heard the driver deputy yell, "Stop, stop!" Baca said that he knew that they were being chased by deputies because of the uniforms and the patrol car.

Baca was specifically asked, "So the way [redacted] moved, if you were a cop, what would you have done?" Baca answered, "Same thing. I'm the law. That's the wrong movement."

Baca said that he did not know that the car was stolen at the time he got in it.

THE THIRD SUSPECT FLED AND WAS NOT INTERVIEWED.

MISCELLANEOUS

On June 23, 2005, the Justice System Integrity Division of the Los Angeles County District Attorney's Office completed their review of this non-fatal shooting. They found that Deputies Forlano and Iberri acted lawful and reasonable under the circumstances.